

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

RABINOWITZ, LUBETKIN & TULLY, LLC

293 Eisenhower Parkway, Suite 100

Livingston, NJ 07039

(973) 597-9100

Barry J. Roy

Proposed Counsel to Debtors/Debtors-In-Possession

In re:

MASAHIKO NEGITA and YASUKO NEGITA,

Debtors.

Chapter 11
(Subchapter V)

Case No. 23-12365 (SLM)

Honorable Stacey L. Meisel

Recommended Local Form:

☐ Followed

☒ Modified

APPLICATION FOR RETENTION OF COUNSEL

1. The applicants, Masahiko Negita and Yasuko Negita, are the

☐ Trustee: ☐ Chap. 7 ☐ Chap. 11 ☐ Chap. 13.

☒ Debtors: ☒ Chap. 11 ☐ Chap. 13

☐ Official Committee of _____

2. The applicants seek to retain the following professional, Rabinowitz, Lubetkin & Tully, LLC ("RLT"), to serve as:

☒ Attorney for: ☐ Trustee ☒ Debtor-in-Possession

☐ Official Committee of _____

☐ Accountant for: ☐ Trustee ☐ Debtor-in-possession

☐ Official Committee of _____

☐ Other Professional:

☐ Realtor ☐ Appraiser ☐ Special Counsel

☐ Auctioneer ☐ Other (specify): _____

3. The employment of the professional is necessary because the Debtors have the need for bankruptcy counsel in light of their March 23, 2023, Subchapter V Chapter 11 filing.

4. The professional has been selected because of its considerable experience in matters of this nature.

5. The professional services to be rendered are as follows:

Guidance and legal advice with respect to (i) the Chapter 11 process, including the applicants' rights and obligations as debtors-in-possession; (ii) applicants' obligation to appear at an initial debtor interview and a 341(a) meeting to be conducted by the United States Trustee's Office; (iii) ordinary course services and matters outside the ordinary course of conduct; (iv) the operating guidelines issued by the United States Trustee's Office; (v) the reorganization process; (vi) avoidance actions; and (vii) all other matters involved in a Subchapter V Chapter 11 bankruptcy proceeding.

The professional shall make all necessary court appearances, perform all required research, prepare and draft all appropriate pleadings and other legal documents, prepare for and attend all hearings, meetings, and negotiations, and will otherwise perform bankruptcy legal services for the Debtors with respect to the applicants' Chapter 11 proceeding.

6. The proposed arrangement for compensation is as follows:

RLT has received a retainer in the amount of \$35,000 from the applicants. The retainer is being held in RLT's attorney trust account pending further Court order.

The retainer was funded by the applicant.

Compensation shall be paid to RLT on an hourly basis as approved by the Court, upon the filing of fee applications, and as more fully set forth in the Certification of Professional in Support of Application for Retention of Professional filed simultaneously herewith.

7. To the best of the applicant's knowledge, the professional's connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, is as follows:

☐ None

☒ Describe connection:

RLT shows that Jay L. Lubetkin, a partner in RLT, is a Chapter 7 Panel Trustee, and also serves as Chapter 11 Trustee and Chapter 12 Trustee in unrelated matters. Jonathan I. Rabinowitz, also a partner in RLT, has also served as Chapter 11 Trustee in unrelated matters.

RLT further shows that it performed pre-petition services for the Debtors and was paid \$53,721.49 for such services. No pre-petition amounts are due RLT which are not eligible for inclusion on a post-petition fee application.

8. To the best of the applicant's knowledge, the professional (check all that apply):

☒ does not hold an adverse interest to the estate.

☒ does not represent an adverse interest to the estate.

☒ is a disinterested person under 11 U.S.C. § 101(14).

☐ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. § 327(e).

☐ Other; explain:

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows:

N/A

The applicant respectfully requests authorization to employ the professional to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may determine and allow.

Date: March 12, 2023

By: 

MASAHIKO NEGITA, Individually

By: 

YASUKO NEGITA, Individually

and

By: 

Barry P. Roy